

# CITY OF GLOUCESTER

## ZONING BOARD OF APPEALS

### APPLICATION FOR VARIANCE OR SPECIAL PERMIT



Time Stamp by City  
Clerk's Office

NOTE FOR CLERK:  
DO NOT STAMP WITHOUT  
BUILDING INSPECTOR'S  
APPROVAL

***Note to Applicants:***

*No case will be scheduled for a ZBA hearing until your application has been approved as to completeness by the Building Inspector, has been time-stamped by the City Clerk's office, and has been returned to the Building Department. The City Clerk's office will not time-stamp your application without certification by the Building Inspector that your application is complete.*

*If you have questions about this application or the permitting process, please contact the Building Department, either in person or by phone-Inspectors are available during the following hours:*

*Monday through Thursday: 8:30 to 9:30 a.m. and 1:00 to 2:00 p.m.*

*Friday: 8:30 to 9:30 a.m.*

*The Building Department is located at the City Hall Annex-3 Pond Road, (second floor of the CATA building). Telephone 978-281-9774 Fax 978-282-3036*

**Certification of the Building  
Department as to completeness**

By Inspector \_\_\_\_\_  
Date \_\_\_\_\_

**FEE: \$250.<sup>00</sup>**

***For use by the Building Department***

Building Permit denied by \_\_\_\_\_

Date \_\_\_\_\_

Reason \_\_\_\_\_

Date initial ZBA application received \_\_\_\_\_

Inspector reviewing initial application \_\_\_\_\_

Fee paid \_\_\_\_\_ Check # \_\_\_\_\_

**PART A: NAME AND ADDRESS OF PROPERTY OWNER**

NAME \_\_\_\_\_

PROPERTY ADDRESS \_\_\_\_\_ MAP NO. \_\_\_\_\_ LOT NO. \_\_\_\_\_

PROPERTY OWNERS MAILING ADDRESS \_\_\_\_\_

PROPERTY OWNER'S TELEPHONE NUMBER Day \_\_\_\_\_ Evening \_\_\_\_\_

**PART B: NAME OF APPLICANT, IF DIFFERENT FROM OWNER**

NAME \_\_\_\_\_

RELATIONSHIP TO PROPERTY OWNER (for example, spouse, attorney, architect, etc.) \_\_\_\_\_

APPLICANT'S MAILING ADDRESS \_\_\_\_\_

APPLICANT'S TELEPHONE NUMBER Day \_\_\_\_\_ Evening \_\_\_\_\_

**PART C: USE AND ZONING OF THE PROPERTY**

Current use of property ☐ 1-2 family ☐ multi-family (# of units \_\_\_\_\_) ☐ other \_\_\_\_\_

Proposed use of property ☐ 1-2 family ☐ multi-family (# of units \_\_\_\_\_) ☐ other \_\_\_\_\_

Zoning district in which property is located \_\_\_\_\_

☐ Yes ☐ No Are there any previously issued decision(s) from Zoning Board of Appeals regarding this property? If so, please attach a copy of each.

**PART D: TYPE OF RELIEF REQUESTED**

**1. Special Permits**

- ☐ to alter/expand a non-conforming structure or use
- ☐ for a new use or change in use
- ☐ to allow lesser number of off-street parking spaces
- ☐ to allow home occupation
- ☐ to exceed maximum allowable building height
- ☐ [multi-family, hotel] to allow decrease in minimum lot area per dwelling unit or guest unit
- ☐ [multi-family, hotel] to allow decrease in minimum open space per dwelling unit or guest unit
- ☐ to allow division of certain grand fathered lots
- ☐ Other special permit [specify]: \_\_\_\_\_

**2. Variances** *(see further information required on page 6)*

Variance from dimensional requirement(s) of the Zoning Ordinance

- ☐ Front yard setback ☐ Side yard setback ☐ Rear yard setback ☐ Lot width ☐ Lot area
- ☐ Lot area per dwelling unit ☐ Lot frontage ☐ Lot coverage ☐ Distance between buildings
- ☐ Percentage of vegetative cover ☐ Distance from accessory building to street
- ☐ Frontage width to principal building

Variance from other requirement(s) of the Zoning Ordinance [specify] \_\_\_\_\_

**PART E: DESCRIPTION OF THE PROPOSED WORK** *(use separate sheet if needed)*

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**PART F: REASONS IN SUPPORT OF REQUESTED RELIEF** *(use separate sheet if needed)*

*Note to applicants – please see instructions at the end of this application as to the evidence you must submit in support of your request for relief*

**PART G: LETTERS, IF REQUIRED, FROM OTHER CITY DEPARTMENTS**

Board of Health (required if property is on a septic system)	<input type="checkbox"/> Letter attached	<input type="checkbox"/> N/A
Conservation Commission	<input type="checkbox"/> Letter attached	<input type="checkbox"/> N/A
Engineering Department	<input type="checkbox"/> Letter attached	<input type="checkbox"/> N/A
Other _____	<input type="checkbox"/> Letter attached	<input type="checkbox"/> N/A

**PART H: SUPPORTING DOCUMENTATION REQUIRED FOR ALL APPLICATIONS**

- The relevant assessor's map(s), showing your lot, abutting lots and lots that abut abutting lots
- List of abutting lots and lots that abut abutting lots as generated by the Building Department
- List of names and addresses of owners of abutting lots and lots that abut abutting lots as certified by the Assessor's Office

*The general procedure is as follows:*

*Obtain from the Engineering Department (City Hall Annex-3 Pond Rd) the assessor's map that shows your lot, abutting lots and lots that abut abutting lots:*

- *Bring the map to the Building Inspector who will circle abutting lots and lots which abut abutting lots and create a list of those properties*
- *Bring both the map and the list to the Assessor's Office (City Hall-9 Dale Ave): Assessor's Office will generate a certified list of your abutters and abutters to abutters*
- *File the map, the Assessor's list and the Building Department list with your application*

**PART I: PROJECT PLANS REQUIRED FOR ALL APPLICATIONS**

Unless otherwise directed by the Building Inspector, this application shall be accompanied by:

- (a) **SITE OR PLOT PLAN-two full size sets and five copies (no larger than 11"x17") drawn to a scale of not less than one inch equals 20 feet and showing:**

- a north arrow
- the name of the owner(s) and the street address of the property
- the name and address of person preparing the plan, if different from owner, and the date of the plan
- all bordering street names
- the dimensions of the property lines and lot area (in square feet) of the lot to be built upon
- the locations and dimensions (including the square footage) of all existing and proposed buildings and other structures on the lot
- the distance to the nearest property line(s) from all buildings and other structures on the lot
- the distance between all buildings and other structures on the lot
- percentage of lot coverage of all existing and proposed buildings and other structures on the lot;
- all required setback distances
- all existing and proposed entrances and exits to both the lot and the buildings on the lot
- if required, the location and dimensions of off-street parking areas and loading spaces
- the location of the subsurface disposal system, if any
- the location of all topographical features affecting the siting of buildings and structures on the lot

- the location of all buildings and structures on all adjoining lots and their distance, estimated if necessary, from the property lines of the applicant's lot
- **ALL OF THE PROPOSED WORK MUST BE HIGHLIGHTED IN RED**

**(b) BUILDING PLANS, ELEVATIONS OR SKETCHES- two full size sets and five copies (no larger than 11"x14") drawn to not less than a 1/4" scale and showing:**

- a north arrow
- the name of the owner(s) and the street address of the property
- the name and address of person preparing the plan, if different from owner, and the date of the plan
- the exterior elevations (including windows, doors, porches, steps and other architectural features) of
  - the proposed building or structure or
  - the existing building or structure and the proposed addition or expansion or
  - the existing building or structure and its proposed replacement
- floor to ceiling and eave to roof ridge line dimensions of all proposed work
- the distance between existing undisturbed grades (i.e., prior to construction) and the highest point of each corner of the proposed building or addition
- the height of the proposed building or addition, as determined by the method set forth at Section VI of the Zoning Ordinance, definition of "Building Height"
- the data and calculations used to determine the height of the proposed building or addition
- the foundation length and height above undisturbed grade of the proposed building or addition
- **ALL OF THE PROPOSED WORK MUST BE HIGHLIGHTED IN RED**

**The final packet submitted should include:**

1. **Original application, certified by Building Inspector for completeness and time-stamped by City Clerk' Office**
2. **Assessor's map**
3. **Abutters list**
4. **List of names of abutters**
5. **Two full size sets of original site or plot plan (as stated in Section a) and building plan, elevations, or sketches (as stated in Section b)**
6. **Five sets of copies that include application, abutters list, list of names of abutters and one reduced-sized copy of each site or plot plan and building plan, elevations, or sketches as stated in Sections (a) and (b)**
7. **Photograph of subject property/structure, if available**

*If a SPS permit is required then two full size sets of plans as stated in Sections (a) and (b) must be stamped by a professional engineer or architect and seven 11"x14" copies must be submitted. Also, a stamped drainage plan and Conservation Commission approval, if any, must be attached.*

**PART J: APPLICANT'S CERTIFICATION**

I hereby certify that the information in Parts A through I of this application, Form 001 (if required) and all supporting documentation submitted herewith, is true, to the best of my knowledge, information and belief.

\_\_\_\_\_, Applicant                      Dated \_\_\_\_\_

**PART K: COMMENTS OF THE BUILDING INSPECTOR**

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**FORM 001: DIMENSIONAL REQUIREMENTS FOR WHICH RELIEF IS REQUESTED**

*Note: only the dimensional relief requested on this form can be considered by the ZBA. If in the course of the ZBA hearing it appears that further relief is required, notice of your application will have to be republished and your case rescheduled.*

	<b>A. Required Dimension</b>	<b>B. Existing or Proposed Dimension</b>	<b>A minus B equals Relief Requested</b>
<b><u>VARIANCES</u></b>			
Lot Area (SF)			
Lot Area per Dwelling (SF)			
Lot Width			
Lot Frontage			
Front Yard			
Left Side Yard			
Right Side Yard			
Rear Yard			
% of Vegetative Coverage			
Distance between Buildings			
Distance from Accessory Building to Street			
Lot Coverage (%)			
Frontage Width to Principal Building			
<b><u>SPECIAL PERMITS</u></b>			
Maximum Building Height			
Off Street Parking			
Lot Area per Dwelling Unit or Two-Guest Unit (SF)			
Open Space per Dwelling Unit or Two-Guest Unit (SF)			

## GUIDANCE FOR APPLICANTS

The Building Inspector can help you in filling out your application and getting your case placed on the ZBA's hearing docket. The following guidance refers to the steps that come after your application has been filed.

### Step 1: Public Notice

All hearings before the ZBA are open to the public, and notice must be given to both the general public and your neighbors. The Building Department will publish notice of your hearing twice in the Gloucester Daily Times, and the clerk of the ZBA will post notice in City Hall and send out the letters to all of your abutters, as well as all abutters to your abutters whose property is closer than 300 feet of your property lines. The ZBA also encourages applicants to speak to their neighbors directly, so that the proposed work is fully understood prior to the hearing.

### Step 2: The Site Visit

During the two weeks prior to your hearing most ZBA board members will visit your property, either individually or in groups. You do not have to be home for these visits, but it is absolutely essential that your house or building prominently display its street number. Similarly, all vacant lots must be flagged or otherwise marked for ready identification. If board members have not been able to locate your property, the hearing will have to be rescheduled.

### Step 3: The Hearing

This section of the Guidance has two parts: hearing procedures and the standard that the ZBA will apply in judging your application.

#### A. Hearing procedures

When your case is called, approach the podium and state your name and address. Explain your project, paying close attention to the criteria spelled out below. You can expect to be asked questions by Board members in the course of your presentation.

After you have spoken, the Chairman will ask for testimony from those who are in support of your project. Following that, the Chairman will invite those opposed to the project to speak, and then will allow you a brief rebuttal to those who spoke in opposition.

The Chairman will then close the hearing, and the board members will discuss among themselves the issues in your case. The Board will then vote on your application. By law, the affirmative votes of four out of the Board's five members are necessary to approve your application. If only four Board members are present, then all four must vote in favor of your application.

#### B. The standards applied by the ZBA

The three most common applications that come before the ZBA are for variances, special permits to alter or expand a nonconforming structure, and special permits for certain uses. The standards by which the ZBA judges each of these applications are set forth below; if your application is for a different kind of relief, please consult with the Building Inspector as to the standard that the ZBA will be applying.

#### Variance

In order to grant a variance, the ZBA must find that each of the following factors is present:

1. strict enforcement of the Zoning Ordinance in your case would cause you a substantial hardship, financial or otherwise, and
2. this hardship is due to one of three factors: the soil conditions, shape or topography of your property, and the factor that has given rise to your hardship is unique to your property, and is not generally found in other properties throughout your zoning district, and
3. the variance you have requested may be granted without substantial harm to the public good, and

the variance may be granted without substantially undercutting the intent and purpose of the Zoning Ordinance.

### **Special permit to alter or expand a non-conforming structure**

In order to grant a special permit to alter or expand a non-conforming structure or use, the ZBA must find that the structure or use that you propose will not be substantially more detrimental to your neighborhood than the existing structure or use.

There is, however, a special procedure for one and two-family dwellings. In such cases, the ZBA must first determine whether the proposed alteration or expansion increases the non-conforming nature of the dwelling. (If, for example, a proposed addition to your home will be in compliance with all setbacks and other zoning requirements, it would not be deemed to increase the nonconforming nature of your existing house.) If the proposed alteration or expansion will not increase the non-conforming nature of a one and two-family dwelling, then no special permit is required and the Building Inspector may issue a building permit without further action of the Board. If, on the other hand, the proposed alteration or expansion will increase the nonconforming nature of the dwelling, the Board may issue a special permit only if it finds that the dwelling, as expanded, will not be substantially more detrimental to the neighborhood than the existing dwelling.

### **Special use permit**

Under Section 2.3 of the Gloucester Zoning Ordinance, certain uses are only allowed if authorized by a special permit from the ZBA. In order to grant such a permit, the ZBA must find that the proposed use will not have adverse effects that outweigh its beneficial effects, taking into consideration both the neighborhood and the city.

In making this determination, the ZBA is required to consider the following factors:

1. social, economic, or community needs served by the proposal
2. traffic flow and safety
3. adequacy of utilities and other public services
4. neighborhood character and social structure
5. qualities of the natural environment
6. potential fiscal impact.